

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
April 12, 2012  
COUNCIL CHAMBERS  
6:30 p.m.**

**CALL TO ORDER:** Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE:**

At this time there was a moment of silence in remembrance of Councilman Edward Olga.

**ROLL CALL:**

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 <sup>ST</sup> DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 <sup>ND</sup> DISTRICT	STEVEN BURG	PRESENT
3 <sup>RD</sup> DISTRICT	ROBERT KACPERSKI	PRESENT
4 <sup>TH</sup> DISTRICT	CHARLES MCKEWEN	PRESENT
5 <sup>TH</sup> DISTRICT	JOANN I. PERSONTI	ABSENT/EXCUSED
6 <sup>TH</sup> DISTRICT	RICHARD MOORE	PRESENT

Town Solicitor, Edward McNally – Present

Town Manager, John Giles – Present

Chief of Police, Laura Giles – Present

Mayor Norkavage and Councilman Kacperski requested a moment of silence for Robert Gryzbowski, the thirteen year old boy who was killed by a vehicle on Locust Avenue the previous weekend.

**PUBLIC COMMENT:**

Robert Anderson 107 Northern Avenue – Speaking regarding third and final reading of Ordinance 546, he stated that the lot had gone through major improvements recently however, he does feel that there is not enough parking on the lot for the vehicles that are for sale as well as the vehicles that are driven by the employees and/or owners. He is in support of Ordinance 546.

Allen Bobb owner of Auto Mart, 504 Kirkwood Hwy – He stated that he believes that since he has met with Councilman Burg and Town Manager John Giles and has agreed that no vehicles for sale will be placed on the street that Ordinance 546 is no longer necessary. He also believes that his employees should be able to park on the street alongside his own lot and this ordinance does not allow this, he then provided photos to the Council indicating his discussed areas of concern.

Kim Clark, 246 Birch Avenue – Spoke regarding traffic problems in the area of Filbert and Dover Avenues, specifically the fact that the stop sign had been removed at this intersection. Vehicles go through the intersection at high speeds even while residents and children are in the crosswalk attempting to cross and then maintain the high speed through the neighborhood. She would like to see some sort of signs or other speed deterrents in the area.

Chief Laura Giles stated that she has had officers at the location conducting traffic studies and has come back with little impact and offenders.

Councilman Burg has asked that the police conduct one more study during the warmer weather to see if that impacts the results any.

Beth Kloetzer, 255 Locust Avenue – spoke regarding the speed on Locust Avenue as well and asked that the police keep closer eyes on the speeds in the neighborhood areas. In addition she would like council to consider the possibility of a skate park within the Town to try to get some of the kids off the street to help prevent pedestrian accidents.

#### **APPROVAL OF MINUTES:**

**ACTION:** A motion was made by Councilman Jaremchuk to approve the minutes of the March 8, 2012 Council Meeting no corrections. The motion was seconded by Councilman Burg.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

**ACTION:** A motion was made by Councilman Jaremchuk to approve the minutes of the March 29, 2012 Special Council Meeting with no corrections. The motion was seconded by Councilman Burg.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

At this time Town Manager John Giles stated that he had received an email from Councilwoman Personti regarding one change to the minutes however the change had not yet been made and would like to have council's approval to make the correction and have the minutes remain approved.

**ACTION:** A motion was made by Councilman Jaremchuk allow the changes submitted by Councilwoman Personti and to approve any corrections. The motion was seconded by Councilman Burg.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

#### **OLD BUSINESS:**

Consideration for Third and Final reading of Ordinance 546 as Amended.

**ACTION:** A motion was made by Councilman Burg to consider Ordinance 546 as Amended for Third and Final reading. The motion was seconded by Councilman Jaremchuk.

Councilman Burg gave a brief overview of the ordinance and stated that he had visited the property with Town Manager John Giles and spoke with the neighbors regarding this Ordinance who were all in favor of the Ordinance.

Mr. Bobb stated that he is requesting permission to allow his employees to be able to use the three parking spaces which currently run adjacent to the property on the street. He believes that this should be allowed since it is a public street and they are employees. He also stated that he agrees that vehicles for sale should not be allowed to be parked there.

Councilman McKewen pointed out that although the vehicles are currently being driven by the owners/employees they are ultimately for sale because they are tagged by the dealer and would be sold if an offer were made, therefore technically the employee vehicles would still be prohibited if tagged by the dealer because they are vehicles offered for sale.

Councilman Burg stated that he would agree and that if the employees are parked on the street there will still be no parking for the customers or vehicle purchasers and the problem of blocking the neighboring property driveways would still exist with the customer parking. He stated that as long as the vehicles are registered to the business they will not be permitted to park on the street.

Mr. Bobb stated that if the vehicle were registered to him and his home that they would be permitted to park on the street.

Councilman Burg stated that the ordinance would not be able to prohibit that.

Town Manager John Giles interjected and stated that whether the vehicle was registered to the business or the business owner, they would still not be permitted to park there because the ordinance covers owners, employees and vehicles offered for sale.

At this time a discussion occurred regarding whether the property in question is currently a non-conforming use which allows the current exemptions from parking requirements.

Mr. Ed McNally stated that because the property and its use existed prior to the current parking codes that it is a non-conforming use and does not have to meet the exact requirements of the code and that the status is transferrable.

**VOTE:**            5-1 with 1 Absent            Motion carried

1<sup>st</sup> District – Yes, 2<sup>nd</sup> District – Yes, 3<sup>rd</sup> District – Yes, 4<sup>th</sup> District – Yes,  
5<sup>th</sup> District – Absent, 6<sup>th</sup> District – No, Mayor – Yes

Consideration for Third and Final reading of Ordinance 547 as Amended.

**ACTION:** A motion was made by Councilman Burg to consider Ordinance 547 as Amended for Third and Final reading. The motion was seconded by Councilman Jaremchuk.

Councilman Burg gave a brief overview of the ordinance.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

Consideration for Third and Final reading of Ordinance 548.

**ACTION:** A motion was made by Councilman Burg to consider Ordinance 548 for Third and Final reading. The motion was seconded by Councilman Jaremchuk.

Councilman Burg gave a brief overview of the ordinance.

**VOTE:**            6-0 with 1 Absent                      All-in-Favor                      Motion carried

**ACTION:** A motion was made by Councilman Burg to revise Resolution 12-01 as adopted during the March 8, 2012 Council Meeting by deleting the requirements of the Mayor being the Chair of the Pension Committee and replacing it with the Chair being appointed by the Council as a whole. The motion was seconded by Councilman Jaremchuk.

**VOTE:**            6-0 with 1 Absent                      All-in-Favor                      Motion carried

Consideration for Third and Final reading of Ordinance 549 as Amended.

**ACTION:** A motion was made by Councilman Burg to approve Ordinance 549 Amended for Third and Final reading. The motion was seconded by Councilman Jaremchuk.

Councilman Burg gave a brief overview of the ordinance.

Councilman Kacperski asked if the ordinance had been revised to address the exemption of Town owned property.

Town Manager John Giles stated that it had not.

Councilman Kacperski that he believed that it should be revised to address the area of M Street in the rear of Maple Avenue.

**ACTION:** A motion was made by Councilman Jaremchuk to table Ordinance 549 until the discussed revisions are made. The motion was seconded by Councilman Burg.

**VOTE:**            6-0 with 1 Absent                      All-in-Favor                      Motion carried

Consideration for Third and Final reading of Ordinance 550 as Amended.

**ACTION:** A motion was made by Councilman Burg to consider Ordinance 550 for Third and Final reading. The motion was seconded by Mayor Norkavage.

Councilman Burg gave a brief overview of the ordinance.

**VOTE:**            6-0 with 1 Absent                      All-in-Favor                      Motion carried

Consideration for Third and Final reading of Ordinance 551.

**ACTION:** A motion was made by Mayor Norkavage to withdraw Ordinance 551 since a special election for the 6<sup>th</sup> district is no longer necessary. The motion was seconded by Councilman McKewen.

Councilman Burg gave a brief overview of the ordinance.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

**NEW BUSINESS:**

Consideration to appoint members of the Town of Elsmere Pension Committee as outlined in Resolution 12-01

**ACTION:** A motion was made by Councilman Burg to appoint Councilman Jaremchuk to the Elsmere Pension Committee in accordance with Resolution 12-01 Section 1-(ii). The motion was seconded by Mayor Norkavage.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

**ACTION:** A motion was made by Mayor Norkavage to appoint Mr. Robert Nally and Ms. Patricia Frantz to the Elsmere Pension Committee in accordance with Resolution 12-01 Section 1-(iii). The motion was seconded by Councilman Burg.

Ms. Linda Sommermann stated that Mr. Robert Nally no longer resides in the Town.

**ACTION:** A motion was made by Mayor Norkavage to appoint Ms. Patricia Frantz to the Elsmere Pension Committee in accordance with Resolution 12-01 Section 1-(iii). The motion was seconded by Councilman Burg.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

**ACTION:** A motion was made by Councilman Jaremchuk to appoint Chief Neal Strauss to the Elsmere Pension Committee in accordance with Resolution 12-01 Section 1-(iv). The motion was seconded by Councilman Burg.

**VOTE:**            5-1 with 1 Absent            Motion carried

1<sup>st</sup> District – Yes, 2<sup>nd</sup> District – Yes, 3<sup>rd</sup> District – Yes, 4<sup>th</sup> District – Yes,  
5<sup>th</sup> District – Absent, 6<sup>th</sup> District – Yes, Mayor – No

**ACTION:** A motion was made by Mayor Norkavage to appoint John Asbell to the Elsmere Pension Committee in accordance with Resolution 12-01 Section 1-(v). The motion was seconded by Councilman Burg.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

**At this time it was declared that no residents were chosen to satisfy Resolution 12-01 Section 1 – (vi) or the second resident to satisfy Section 1 – (iii) and the council was asked to look for residents to serve in the two open resident positions on the committee.**

**ACTION:** A motion was made by Councilman Burg to appoint Ms. Patricia Frantz as Chairperson of the Elsmere Pension Committee in accordance with Resolution 12-01 Revised, which was introduced and passed earlier in the meeting. The motion was seconded by Councilman Jaremchuk.

**VOTE:**            6-0 with 1 Absent                      All-in-Favor                      Motion carried

Consideration for First and Second reading of Ordinance 552.

**ACTION:** A motion was made by Councilman Kacperski accept Ordinance 552 for First and Second Reading. The motion was seconded by Councilman Jaremchuk.

Councilman Kacperski gave a brief overview of the ordinance.

**VOTE:**            5-1 with 1 Absent                      All-in-Favor                      Motion carried

1<sup>st</sup> District – Yes, 2<sup>nd</sup> District – No, 3<sup>rd</sup> District – Yes, 4<sup>th</sup> District – Yes,  
5<sup>th</sup> District – Absent, 6<sup>th</sup> District – Yes, Mayor – Yes

Consideration for First and Second reading of Ordinance 553.

**ACTION:** A motion was made by Councilman Jaremchuk accept Ordinance 553 for First and Second Reading. The motion was seconded by Mayor Norkavage.

**VOTE:**            6-0 with 1 Absent                      All-in-Favor                      Motion carried

Consideration for First and Second reading of Ordinance 554.

**ACTION:** A motion was made by Councilman Jaremchuk accept Ordinance 554 for First and Second Reading. The motion was seconded by Councilman McKewen.

**VOTE:**            6-0 with 1 Absent                      All-in-Favor                      Motion carried

Consideration of Resolution 12-02.

**ACTION:** A motion was made by Councilman Jaremchuk approve Resolution 12-02. The motion was seconded by Councilman Burg.

**VOTE:**            6-0 with 1 Absent                      All-in-Favor                      Motion carried

### Consideration of Resolution 12-03.

**ACTION:** A motion was made by Councilman Jaremchuk to table Resolution 12-03 due to concerns regarding the current school bus stop located in the lot. The motion was seconded by Mayor Norkavage.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

### Consideration of awarding bids in response to the 2012 Street Program.

**ACTION:** A motion was made by Councilman Jaremchuk to award the street program contract to Harmony Construction in the amount of \$94,092.50 per the recommendation of the Town Engineer contingent upon the proper approval of the State of Delaware Budget Office. The motion was seconded by Mayor Norkavage.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

### Consideration of extending the Town's current contract with Waste Management.

Town Manager John Giles stated that the current contract with Waste Management expires during April of this year. Waste Management has submitted a proposal to renew the contract for the five year renewal period, however he asks that council not act on the proposal yet. He has negotiated to continue our current contract through June 30<sup>th</sup> while the council discusses the budget.

## **DEPARTMENTAL REPORTS:**

### Code Enforcement

Town Manager John Giles presented the written report.

Councilman McKewen questioned why no citations had been issued in the 4<sup>th</sup> District.

Town Manager John Giles stated that while there was activity in the 4<sup>th</sup> District none of that activity resulted in a fine.

### Finance

Town Manager John Giles presented the written report.

Town Manager John Giles stated that the budget that council will receive on April 19, 2012 will include the actual numbers as of April 12, 2012 and some projections. He stated that he does not believe that we will be able to debate the budget until May because the numbers are too uncertain and that there are still 3 months left in the fiscal year.

### Public Safety

Chief Laura Giles stated that she was able to sell the command post in the back of the Tahoe to Minquas for \$2000.00. In addition she contacted First State Towing for prices

to sell the 2000 Lexus and a 1991 Caprese. The Lexus was offered \$2,100.00 and the Caprese for less.

**ACTION:** A motion was made by Councilman Jaremchuk allow Chief Laura Giles to sell the 2000 Lexus and the 1991 Caprese to First State Towing. The motion was seconded by Councilman Burg.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

Chief Laura Giles presented the written report. She also stated that two of the three seasonal officers will begin on April 13, 2012 and the third will begin at the end of May. She stated that the American Lung Association still has funds available and that she has again applied for those funds.

#### Public Works

Town Manager John Giles presented the written report.

Councilman Burg reported graffiti under the Rt. 100 Bridge over Baltimore Avenue.

Town Manager John Giles stated that interviews had been conducted for the vacant public works position but no candidates had been selected and that we would continue to collect applications until a suitable applicant is found.

#### Town Manager

Town Manager John Giles presented the written report. He stated that the most disappointing news for the month is the cancellation of the Town Wide Cleanup Day and that the staff is continuing to follow up to rescheduling the event. The Town Wide Yard Sale is April 14<sup>th</sup>. He asked if Council was going to name the Dog Park.

Councilman Burg stated that the residents in that area suggest a contest posted on the website and at Town Hall.

Councilman Jaremchuk stated that he felt that the contest was the best choice so that the Council could then decide from the suggested names.

Councilman Kacperski asked if there would be an official grand opening of the Dog Park.

Town Manager John Giles stated that there would be a grand opening however he does not yet know the date due to construction. He stated that the goal would be to have the grand opening by June 15, 2012.

Mayor Norkavage asked the Chief what progress is being made on the website.

Chief Laura Giles stated that she has been trying to get to it and will need to get up with the administration to have that completed.

Town Manager John Giles stated that the contract for First State Towing will expire June 30<sup>th</sup>, the Council will need to agree to the contract, In addition there are no increases to



the contract however, during the current contract they voluntarily raised the price paid to the Town for the vehicles to \$100 per vehicle instead of \$50 per vehicle.

**ACTION:** A motion was made by Councilman Jaremchuk to extend the current contract with First State Towing. The motion was seconded by Mayor Norkavage.

**VOTE:**           6-0 with 1 Absent           All-in-Favor           Motion carried

Town Manager John Giles stated that he and the Finance Department have met with Mr. McNally and his staff regarding filing of liens and foreclosure for delinquent taxes. He stated that he hopes to have the internal policy for these ready for council's review at the May meeting. He stated that he also needs an answer regarding the July 4<sup>th</sup> celebration, he stated that the event costs about \$22,000.00 and of that \$10,000.00 of that is just the fireworks. He stated that he believes the Town cannot afford this event.

Councilman Jaremchuk asked if this could wait until April 19, 2012 when the council receives the preliminary budget.

Town Manager John Giles stated that he would see what he could do. In addition the Movies in the Parks are scheduled to begin on May 18, 2012, and although the funds for this particular date have already been approved in the current budget, he stated that he would like to try to save money if possible.

Councilman Jaremchuk stated that if the Council is considering cancelling a more well attended event like the July 4<sup>th</sup> that they should certainly look to cancel a smaller event like the movies in the parks.

Councilman Burg stated that he does not disagree with the cancellation of the May Movies in the Parks however he would like to consider continuing this event during June when kids are out of school.

Councilman Jaremchuk stated that he would like to consider this again on April 19, 2012 as part of the budget discussions.

Town Manager John Giles informed council that the Landscaping Contract with Paoli Services will expire on June 30, 2012 and that he believes that too should be discussed with the budget.

Councilman Burg stated that if Council is going to save an estimated \$2000.00 on the proposed Waste Management Contract, and that Paoli Services is not looking to increase then why is the Town looking to cancel events like Movies in the Parks.

Town Manager John Giles stated that while that is a valid point he is looking at his preliminary budget and the reports from the Finance Department he does not believe the Town will have the money for these events.

Councilman Jaremchuk stated for the residents that for the last several years the Town has been chipping away at a limited surplus instead of raising fees and that those funds are gone and that this will be a difficult budget year.

Town Manager John Giles stated that in addition the Town has taken almost \$750,000.00 and fixed the Town's pension problems and that difficult decisions lay ahead.

An unidentified resident stated that he believes that the Fireworks presented by the Town are the best around and that he believes that the Town should charge to enter the park to take up donations for the event.

Finance Director Joseph Schulcz stated that in previous years the Town has collected \$200.00 in donations for the July 4<sup>th</sup> event.

Councilman Jaremchuk stated that the Mayor has a contact at WSFS who deals with donations and that perhaps they should be contacted prior to the April 19, 2012 meeting.

Mayor Norkavage agreed.

A second unidentified resident asked if the City of Wilmington would be holding fireworks this year.

Mayor Norkavage stated that she does not believe that they are.

The resident stated that she would rather see the Movies in the Parks cut to keep the fireworks.

#### **ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:**

**District 1** – None

**District 2** – Councilman Burg stated that he had been talking with Chris Needles from CAL regarding the league and that unfortunately there are children that cannot play because they cannot afford the fundraisers and that some of those children are Town residents. He wonders why the Town is giving the fields for free why the residents are still unable to participate due to cost. He stated that he would like to receive information from the league as to why the costs are so high.

**District 3** – Councilman Kacperski asked that the council will keep their minds open for solutions for a skate park or ordinances banning skateboarding etc. to try to prevent future tragedies.

**District 4** – None

**District 5** – Absent

**District 6** – None

**Mayor** – None

#### **PUBLIC COMMENT:**

**ADJOURNMENT:**

**ACTION:** A motion was made by Councilman Moore to adjourn. The motion was seconded by Mayor Norkavage.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**DEBORAH A. NORKAVAGE**  
**MAYOR**

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**JOANN I. PERSONTI**  
**SECRETARY**